FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5481 OF 2004

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

None for the petitioners.

CORAM: B.H. MARLAPALLE,J.

28/06/2007.

P.C.:

. The petitoners are the plaintiffs in Civil Suit No. 783 of 1994 and the said suit was filed, seeking possession of the suit premises under the Bombay Rent Act. It came to be decreed as per the Judgment of the Small Causes Court dated 10/3/1998. The defendants filed Civil Appeal No. 315 of 1998 which came to be allowed by the learned IInd Ad-hoc Additional District Judge, Pune on 24/3/2003 and Civil Suit No. 783 of 1994 was dismissed by setting aisde the Judgment and Decree dated 10/3/1998. It is, therefore, evident that the petitioners have a statutory remedy

of filing a Civil Revision Application under Section 115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as withdrawn with liberty to the petitioners to file a Civil Revision Application and if such an application is filed within a period of two weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)